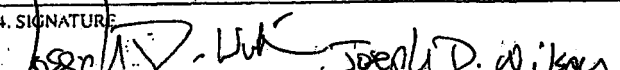


# **Attachment 1**

**ORIGINAL**

Form 20

**FORM 20. Application for Fees and Other Expenses Under the Equal Access to Justice Act**

| <b>APPLICATION</b><br><b>FOR FEES AND OTHER EXPENSES UNDER THE EQUAL ACCESS TO JUSTICE ACT</b><br>Title 28 U.S.C. § 2412(d), Title II of Public Law 96-481, 994 STAT 2325  |  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
|--|--|-----------------------------------|--|----------------|------------------------|---|----------------|-------|-------------------|-------|-----------------------------|-------|---------------|-------|------------------|-------|------------------------------|-------|--------------------------------------|--|-----------|--|-----------|-------|-----------|-------|----------------------------------|---|
| <b>1. COURT</b><br>UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT  | <b>2. DATE FILED</b><br>March 15, 2010   | <b>3. DOCKET NO.</b><br>2008-1352 |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>4. NAME OF APPLICANT (one per form)</b><br>Triantafyllos Tafas, Plaintiff-Appellee  | <b>5. GOVERNMENT AGENCY INVOLVED IN CLAIM</b><br>United States Patent & Trademark Office   |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>6. NATURE OF APPLICATION</b><br>A. <input checked="" type="checkbox"/> Original application under 28 U.S.C. § 2412 (d) (1) (A) after judgment in civil action against U.S.<br>B. <input type="checkbox"/> Appeal of fees and expenses awarded by Lower Court. (If item 6B is checked go to item 7.)<br>C. <input type="checkbox"/> Original application under 28 U.S.C. § 2412 (d) (3) after review of agency decision.<br>D. <input type="checkbox"/> Petition for leave to appeal an administrative agency for determination under 5 U.S.C. § 504 (c) (2).  | <b>7. APPEAL FROM:</b><br><input checked="" type="checkbox"/> DISTRICT COURT <input type="checkbox"/> BANKRUPTCY COURT<br><input type="checkbox"/> OTHER: _____<br><b>7A. DATE FILED IN LOWER COURT</b><br>August 21, 2007<br><b>7B. DOCKET NO.</b><br>1:07cv846 (JCC) |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>8. ADMINISTRATIVE AGENCY DOCKET NO.</b><br>Not Applicable   | <b>9. DATE FILED IN ADMINISTRATIVE AGENCY</b><br>Not Applicable  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>10. SHOWING IF "PREVAILING PARTY" STATUS (28 U.S.C. § 2412 (d) (1) (B)):</b><br>IS AGENCY ORDER, COURT ORDER, OR OTHER RELEVANT DOCUMENT ATTACHED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  |  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>11. SHOWING OF ELIGIBILITY (28 U.S.C. § 2412 (d) (2) (B)):</b><br>IS NET WORTH INFORMATION ATTACHED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  |  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>12. ENTER ALLEGATION THAT GOVERNMENT POSITION WAS NOT SUBSTANTIALLY JUSTIFIED (28 U.S.C. § 2412 (d) (B)):</b><br><p>As set forth more particularly in his supporting attachments and in the record of proceedings below, Tafas contends that that the United States Patent &amp; Trademark Office's position in promulgating the claims and continuation rules (the "Rules") and/or, thereafter, by virtue of the USPTO defending the validity of the Rules in the District Court and on appeal to the Federal Circuit, was not substantially justified. Tafas begs leave to incorporate herein by reference the supporting papers filed along herewith.</p>  |  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>13. FOR EACH AMOUNT CLAIMED, PLEASE ATTACH ITEMIZATION INFORMATION INDICATING SERVICE PROVIDED, DATE, HOURS, AND RATE (28 U.S.C. § 2412 (d) (B)):</b> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 80%;"></th> <th style="width: 20%; text-align: right;">AMOUNT CLAIMED</th> </tr> </thead> <tbody> <tr> <td>A. ATTORNEY FEES .....</td> <td style="text-align: right;">\$ 5528,069.50 (See supporting attachments)</td> </tr> <tr> <td>B. STUDY .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>C. ANALYSIS .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>D. ENGINEERING REPORT .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>E. TEST .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>F. PROJECT .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>G. EXPERT WITNESS FEES .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>H. OTHER FEES AND EXPENSES - SPECIFY</td> <td></td> </tr> <tr> <td>    (1) .....</td> <td style="text-align: right;">\$39,031.74 (See Supporting attachments)</td> </tr> <tr> <td>    (2) .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>    (3) .....</td> <td style="text-align: right;">_____</td> </tr> <tr> <td>I. TOTAL FEES AND EXPENSES .....</td> <td style="text-align: right;">\$ 5567,101.24 (See Supporting attachments)</td> </tr> </tbody> </table> |  |                                   |  | AMOUNT CLAIMED | A. ATTORNEY FEES ..... | \$ 5528,069.50 (See supporting attachments) | B. STUDY ..... | _____ | C. ANALYSIS ..... | _____ | D. ENGINEERING REPORT ..... | _____ | E. TEST ..... | _____ | F. PROJECT ..... | _____ | G. EXPERT WITNESS FEES ..... | _____ | H. OTHER FEES AND EXPENSES - SPECIFY |  | (1) ..... | \$39,031.74 (See Supporting attachments) | (2) ..... | _____ | (3) ..... | _____ | I. TOTAL FEES AND EXPENSES ..... | \$ 5567,101.24 (See Supporting attachments) |
|  | AMOUNT CLAIMED   |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| A. ATTORNEY FEES .....   | \$ 5528,069.50 (See supporting attachments)  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| B. STUDY .....   | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| C. ANALYSIS .....  | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| D. ENGINEERING REPORT .....  | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| E. TEST .....  | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| F. PROJECT .....   | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| G. EXPERT WITNESS FEES .....   | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| H. OTHER FEES AND EXPENSES - SPECIFY   |  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| (1) .....  | \$39,031.74 (See Supporting attachments)   |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| (2) .....  | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| (3) .....  | _____  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| I. TOTAL FEES AND EXPENSES .....   | \$ 5567,101.24 (See Supporting attachments)  |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |
| <b>14. SIGNATURE</b><br>  | <b>15. DATE</b><br>3/15/2010   |                                   |  |                |                        |   |                |       |                   |       |                             |       |               |       |                  |       |                              |       |                                      |  |           |  |           |       |           |       |                                  |   |

U.S. COURT OF APPEALS FOR THE FEDERAL CIRCUIT

The motion is DENIED.

MAR 23 2010  
Date

JAN HORBALY  
Clerk

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MAR 18 2010

143  
United States Court of Appeals  
For The Federal Circuit

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